IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

C.W.P. NO. 198 OF 2007

DATE OF DECISION: 21.03.2007

M/s Falcon Textiles Ltd.

…Petitioner

Versus

Joint Director General of Foreign Trade, Green Field, Ludhiana and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Jagmohan Bansal, Advocate,
for the petitioner.

Mr. A.K. Bansal, Advocate,
for the respondents.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made in this petition filed under Article 226 of the Constitution of India is for quashing order dated 11.7.2006 (P-6), passed by the Additional Director General of Foreign Trade, New Delhi-respondent No. 2 under proviso to Section 15 read with Section 13 of the Foreign Trade (Development and Regulation) Act, 1992.

After hearing learned counsel for the parties, we quash order dated 11.7.2006 (P-6) in view of the fact that the learned counsel for the petitioner has placed on record a photocopy of the order dated 8.2.2007, passed by the Customs & Central Excise Settlement Commission, Principal Bench, New Delhi on the application filed by the petitioner under Section 127B of the Customs Act, 1962, granting full immunity to the petitioner from penalty and prosecution under the Customs Act, 1962. The aforementioned order is taken on record as Mark-A.

We, however, remand the matter back to the Additional Director General of Foreign Trade, New Delhi-respondent No. 2 to reconsider the matter afresh in view of the later development and proceed in accordance with law. However, the point with regard to limitation has been left open, which is to be decided by the Additional Director General of Foreign Trade, New Delhi-respondent No. 2.

The writ petition is disposed of in the manner indicated above.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

March 21, 2007

Pkapoor